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PATENT  
(Docket No. IN-5468)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Gary ELLIS et al.

Serial No.: 09/865,138


Filed: May 24, 2001

For: Composition and Method for the In  
Situ Removal of Scale from a  
Substrate

Group Art Unit: 1746

Examiner: Frankie L. Stinson

I hereby certify that the attached correspondence is being transmitted  
via facsimile addressed to Commissioner for Patents, PO BOX 1450,  
Alexandria, VA 22313-1450, on the date shown below to facsimile  
number 1-703-872-9306

7-27-2004  
Date  
Michael MorganCommissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL SHEET

Enclosed are:	Pages
This Transmittal Page in <u>duplicate</u>	2
Request for Reconsideration of Patent Term Adjustment in <u>duplicate</u>	4
Total including this cover page	6

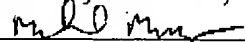
## CONDITIONAL PETITION FOR EXTENSION OF TIME

Applicant believes that no extension of time is required. This conditional petition of time is being made, however, to provide for the possibility that applicants have inadvertently overlooked the need for a petition for extension of time. In this event, please charge Deposit Account 23-3425 the necessary extension of time fees. This document is submitted in duplicate.

## AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Director - U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account 23-3425 any fees necessary for entry of any of the above listed documents. This document is submitted in duplicate.

Respectfully submitted,

  
Michael F. Morgan, Esq. (Reg. No. 42,906)  
(248) 948-2355BASF Corporation  
26701 Telegraph Road  
Southfield, MI 48034-2442

Date: July 27, 2004

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Michael Morgan

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
INDICATED IN THE ISSUE NOTIFICATION (37 C.F.R. §1.705)**

This is a request for reconsideration of the patent term adjustment indicated in the Notice of Allowance that was mailed on July 13, 2004.

Any patent granted on this application (37 C.F.R. §1.705(b)(2)(iii)) is not subject to a terminal disclaimer.

Below is the Statement of the Correct Patent Term Adjustment: Basis(es) under §1.702 (37 C.F.R. §1.705(b)(2)(i) and (ii).

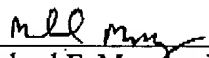
Applicants agree with the 183 days that were given based on the mailing of the first office action after 14 months. The application was filed on May 24, 2001, and the first office action was mailed on January 29, 2003. This resulted in 189 days beyond the 14 months from the date of filing. The response to this office action was received on May 7, 2003, which was 8 days beyond the three month period for response. Finally, the patent issued on July 13, 2004, which

was 2 days longer than four months since the payment of the issue fee on March 11, 2004. This results in a patent term adjustment of  $189-8+2=183$  days.

Applicants disagree with the 29 days that were taken away based on the entry of "Workflow - Drawings Finished", which was entered on June 15, 2004. This application did not contain drawings, and there can be no deduction for the submission of drawings.

For the fee set forth in §1.18(e) (\$200), required by 37 C.F.R. §1.705(b)(1), The Director - U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account 23-3425 the necessary fees for entry of this Request or credit any overpayment. A duplicate of this paper is attached.

Respectfully submitted,

  
Michael F. Morgan, Esq. (Reg. No. 42,906)  
(248) 948-2355  
BASF Corporation  
26701 Telegraph Road  
Southfield, MI 48034-2442  
Date: July 27, 2004